

REMARKS

Responsive to the Official Action of September 23, 2005, it is respectfully requested that the above-identified application be re-examined and reconsidered in the manner provided in 37 CFR §1.112, in light of the remarks that follow.

In the outstanding Official Action, claims 35-70 were rejected under 35 USC §103(a) as allegedly being unpatentable over VOLPENHEIN in view of the combination of *The Handbook of Thermoset Plastics*, KESTER, MIKKELSEN et al., and SEABORNE. This rejection is respectfully traversed.

VOLPENHEIM discloses the synthesis of higher polyol fatty acid polyesters using high soap: polyol ratios.

The Handbook of Thermoset Plastics describes neopentylglycol esters, which are esters of branched polyols having 5 carbon atoms. *The Handbook of Thermoset Plastics* relates to chemical stability of neopentylglycols. However, the article does not contemplate an application for this stability. Rather, *The Handbook of Thermoset Plastics* states that Neopentyl Glycol can be substituted for propylene glycol. Indeed, *The Handbook of Thermoset Plastics* does not disclose or suggest the use of neopentylglycol esters in a cheese product.

Thus, applicants submit that nothing would *a priori* have led the skilled person to consult *The Handbook of Thermoset Plastics*, and *a fortiori* to contemplate a possible use of the

specific neopentylglycol esters as recited by the claimed invention.

KESTER is directed to a method for reducing the rate of moisture transmission into and out of foods comprising coating the surface of the food with a polyol fatty acid ester composition. In particular, KESTER teaches that the coating may be applied to dry cereal and/or starch-based snack foods. In fact, KESTER teaches that crispness is a desirable textural attribute of dry snack foods, and that its loss due to the absorption of moisture from the air is considered undesirable to consumers.

MIKKELSEN et al. teach a cheese coating composition and a method for producing a protective coating on cheese which incorporates acetic acid esters of monoglycerides of long-chain fatty acids, which include glycerides of fatty acid and acetic acids. In other words, MIKKELSEN et al. teach esters of polyol having three carbon atoms.

SEABORNE et al. disclose glyceride-based coating compositions, the coating composition to be applied on cheeses. SEABORNE et al. teach that edible film coatings including a shellac based on glycerides modified with polyacids may be used.

Applicants respectfully submit that the above-identified publications, alone or in combination with each other, fail to disclose or suggest a coating composition which comprises from 60 to 100% by weight of a product of esterification of at

least one fatty acid and at least one polyol containing a branched chain having at least five carbon atoms and at least two OH groups.

Moreover, the publications fail to disclose or suggest the utilization of the neopentylglycol esters recited in the claims. Indeed, upon reviewing the publications, there is no recognition that neopentylglycol esters lead to cheese coatings having an improved mechanical property in comparison with glyceride-based coatings, or that they allow one skilled in the art to avoid several disadvantages in using glycerides (see present specification, page 3, lines 8-22; and page 4, lines 24-33). In particular, the Examiner's attention is respectfully directed to claims 37-39 and 54-56 which recite specific polyols not to be taught by the proposed combination of publications.

Thus, in view of the above, applicants respectfully submit that the rejection be withdrawn. At the very least, applicants respectfully submit that claims 37-39 and 54-56 should be allowable in light of the lack of teachings showing the recited polyols.

In view of the present amendment and the foregoing remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis are respectfully requested.

The Commissioner hereby is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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